



Docket No.: MOH-P010032

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By: 

Date: November 10, 2003

UNITED STATES IN THE PATENT AND TRADEMARK OFFICE

Applic. No. : 10/673,961
Applicant : Martin Dust
Filed : September 29, 2003
Art Unit : to be assigned
Examiner : to be assigned

Docket No. : MOH-P010032
Customer No. : 24131

LETTER

Hon. Commissioner for Patents

Sir:

Enclosed please find a copy of the English translation of the International Preliminary Examination Report for the above-identified application. Please enter it into the file.

Respectfully submitted,


For Applicant

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Date: November 10, 2003

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/bmb

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SN/PO10032WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP02/02888	International filing date (day/month/year) 15 March 2002 (15.03.02)	Priority date (day/month/year) 28 March 2001 (28.03.01)
International Patent Classification (IPC) or national classification and IPC G01B 17/02, G01N 29/24, G21C 17/06		
Applicant FRAMATOME ANP GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 27 September 2002 (27.09.02)	Date of completion of this report 27 June 2003 (27.06.2003)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP02/02888

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☒ the international application as originally filed.
- ☒ the description, pages 2-5, as originally filed,
pages _____, filed with the demand,
pages 1, filed with the letter of 13 May 2003 (13.05.2003),
pages _____, filed with the letter of _____.
- ☒ the claims, Nos. 2-5, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. 1, filed with the letter of 13 May 2003 (13.05.2003),
Nos. _____, filed with the letter of _____.
- ☒ the drawings, sheets/fig 1/1, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 02/02888

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 5	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 5	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 5	YES
	Claims		NO

2. Citations and explanations

The single independent claim relates to a process for the ultrasonic measurement of the layer thickness of nuclear fuel cladding tubes. In said process, a high-frequency probe with a planar surface area is used in a contact method. A probe of this type is known from Figures 1 and 2 of US-A-5 038 615 for paint layer thickness measurement in the automotive industry. However, the parts to be measured have rather minor curvature, and thus use of this probe for nuclear fuel cladding tubes does not appear to be appropriate since the latter have considerable curvature at a diameter of about 10 mm. A person skilled in the art in March 2001 would assume that such considerable curvature would result in far too many flaw echos. Claims 1-5 are therefore considered to satisfy the criteria according to PCT Article 33(2-4).

In Claim 1, a "thin-walled tube" has been replaced by "nuclear fuel cladding tube", and thus it can be assumed that such cladding tubes are thin-walled (PCT Article 34(2)(b)).